THE HON'BLE SRI JUSTICE GODA RAGHURAM

-

WRIT PETITION NO.9568 OF 2006

(DATED: 02.05.2006)

Between:

Vadai Tharabai W/o late Govindu

R/o Ada village, Asifabad, Adilabad District.

…Petitioner

A n d

The General Manager,

Singareni Collieries Company Limited,

Karimnagar District & Others

…Respondents

THE HON'BLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION NO.9568 OF 2006

ORDER:

Writ petition is misconceived. Petitioners claim to be the wife and children of one Govindu, who was an employee of Singareni Collieries Company Limited, who died some time back. Apprehending that the terminal/death benefits due to late Govindu would be paid to the second respondent herein, the petitioner got issued a lawyer's notice to the first respondent company on 17.1.2006. In response thereto, the first respondent issued a reply *inter alia* stating that the second respondent has been nominated by late Govindu to receive all his terminal benefits such as CMPF, CMPS, FBIS and Gratuity and that Govindu had never declared the first petitioner as his wife. In the circumstances, stated the reply notice of first respondent dated 24.3.2006, the petitioners have no claim. Writ petition is filed reiterating the self same assertions as have been made in the lawyer's notice dated 17.01.2006.

In addition, learned counsel for the petitioner relies on a xerox copy of the "Family Member Certificate" dated 28.12.2005 issued by the Panchayat Secretary, Gram Panchayat, Ada, certifying the first petitioner as the wife of late Vadai Govindu and the other petitioners as the sons.

Learned counsel for the petitioners does not share with this Court the legal basis of the Panchayat Secretary's authority to issue a `Family Member Certificate'. Except the fact that the certificate has been issued by a person claiming to be the Panchayat Secretary, nothing is shown to this Court as to whether a Panchayat Secretary could grant such a certificate declaring a person to be a family member of another.

In the circumstances, there appears no legal basis or authority for the certificate issued by Panchayat Secretary, Gram Panchayat, Ada. If the petitioner seriously desires to interdict payment of terminal benefits of late Govindu to the second respondent, petitioner may pursue appropriate legitimate remedies. This writ petition is not one such remedy.

There are no merits in the writ petition and the same is accordingly dismissed. No costs.

GODA RAGHURAM, J

02.05.2006

RAR/STP

THE HON'BLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION NO.9568 OF 2006

DATED: 02.05.2006

–

RAR/STP